REMARKS

Upon entry of the instant Amendment, Claims 1-19 are pending.

Claims 1-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In particular, language in claims 1, 7, 12, and 17 was indicated to lack antecedent basis or be indefinite. Claims 1, 7, 12, and 17 have been amended to provide antecedent basis and/or greater clarity.

With respect to Claims 14 and 15, Applicants note that page 33 of the Specification states that "[r]ules, presence, location and alarm updates may be transmitted in a manner similar to that discussed above, i.e., wirelessly and/or using email or text messaging techniques." Thus, Applicants respectfully submit that these claims properly further limit the "alerting means" limitation -- they recite means or media by which alerting signals can be sent from the user device (e-mail or text messaging) (These media can also be defined in the availability rules).

Claims 1-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott, U.S. Patent No. 6,243,039 ("Elliott") in view of Teckchandani et al., U.S. Patent Application No. 2003/0151501 ("Teckchandani"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Elliott or Teckchandani, either singly or in combination.

As discussed in the Specification, aspects of the present invention relate to a system and method for location monitoring, for example, by third parties. A remote device may be affixed, for example to a person, and set to trigger an alarm (e.g., "alerts," "alerting signal") and/or transmission of positioning information if it departs from a predetermined location. In addition, the device and its corresponding location may be associated with one or more presence and availability rules that may define, for example, how the user associated with the device may be contacted, based on a position and speed derived from positioning information or positions, of the user, if necessary (.e.g, as recited in claim 7, "based on the wireless device position and a speed derived from position information over a predetermined period.").

In contrast, as discussed in response to previous Official Actions, neither Elliott nor Teckchandani appear to relate, inter alia, to a system capable of using speed over a particular time as a rule criteria.

As discussed in response to the previous Official Action, Elliott provides a system for monitoring the location of a child. An automatic update of the current location can be triggered. While delivery of the location information may be provided by various media, Elliott does not appear to have anything to do with, for example, presence and availability rules associated with the device position or speed over a predetermined period. That is, Elliott does not appear to define rules for contacting a user that are associated with the user's location or speed over a particular period, as generally recited in the claims at issue.

Thus, for example, Elliott does not provide, as recited in claim 1, "said administration device is configured to maintain one or more availability rules associated with a user of said associated telecommunications device for contacting said user based on the position-related information and a speed determination derived from said position-related information over a predetermined period;" or in claim 7 "wherein said administration device is configured to maintain one or more availability rules associated with a user of said wireless device for contacting said user based on the wireless device position and a speed derived from position information over a predetermined period;" or in claim 12 "wherein said administration device is configured to maintain one or more availability rules associated with a user of said wireless device for contacting said user based on a position of the wireless device and a speed derived from positions over a predetermined period;" or in claim 17 "said administration device is configured to maintain one or more availability rules associated with a user of said telecommunications device for contacting a user of said wireless communication device based on positions of the wireless communication device and a speed determination derived from said positions over a predetermined period."

Furthermore, Elliott does not appear to provide for contacting the bearer of the device using availability rules derived from location and speed. Like Elliot, Teckchandani also does not appear to have anything to do with defining availability rules associated with

a user's location and speed over a particular period, as generally recited in the claims at issue. Teckchandani relates, for example, to a vehicle monitoring system that can activate an alarm, for example, if the vehicle is stolen, removed form a particular area, or speeding. While the user can enable remotely controlled features of the vehicle, the user does not appear to be able to set availability rules for contacting the holder of the device based on the vehicle's location and speed over a particular period. (Indeed, there would appear to be no reason for such rules in Teckchandani, since car owners typically have no desire to speak with those who are engaged in stealing their vehicles, particularly while the theft is in progress.). As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

SIEMENS CORPORATION

By: _____

David D. Chung
Registration No.: 38408
Attorney for Applicant(s)
Tel.: 650-694-5339
Fax: 650-968-4517

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SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, Legal Department
Telephone: (732) 321-3026